

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

STEVENS BALDO & LIGHTY, PLLC,

Plaintiffs,

Civil Action No.: 2:18-cv-1600

-against-

**NOTICE OF DEFENDANTS'
MOTION PURSUANT TO FED. R.
EVID. § 201 AND DEFENDANTS'
MOTION TO DISMISS
PLAINTIFF'S SECOND AMENDED
COMPLAINT PURSUANT TO
FED. R. CIV. P §§ 12 (b) (6) and 9(b)**

ANTHONY J. DELLUNIVERSITA,
PAUL A. DELLUNIVERSITA,
GAIL A. DELLUNIVERSITA, INDIVIDUALLY
AND AS TRUSTEE,
ANTHONY P. DELLUNIVERSITA
AND KELLY WALSH,

Defendant(s),

-----X

PLEASE TAKE NOTICE that, on a date and time to be set by the Court, defendants Anthony J. Delluniversita, Paul A. Delluniversita, Gail A. Delluniversita, Individually and as Trustee, Anthony P. Delluniversita and Kelly Walsh , by and through their undersigned counsel, shall move this Court before the Honorable Magistrate Judge James Orenstein at the United States District Court, 225 Cadman Plaza East, Brooklyn, New York Room 1227 South New York, 11201, for an Order pursuant to Fed. R. Evid. 201 taking Judicial Notice of two adjudicative facts discussed herein and dismissing Plaintiff's Second Amended Complaint for failure to state a claim upon which relief may be granted pursuant to Federal Rule of Civil Procedure 12(b)(6) and failure to plead with particularity pursuant to Federal Rule of Civil

Procedure 9(b) and because the plaintiff's claims are barred by the doctrine of Res Judicata and Collateral Estoppel.

PLEASE TAKE FURTHER NOTICE that in support of their motion, defendants shall rely upon the Memorandum of Law in Support of Defendants' Motion to Dismiss the Second Amended Complaint and the Exhibits annexed thereto and the Declaration of Anthony P. DellUniversita (with Exhibits A through G attached thereto) that are submitted concurrently herewith, and any reply papers submitted, and oral argument, if any.

Dated: April 26, 2019

Respectfully submitted,

A.P. Delluniversita & Assoc., LLC
Attorneys for Defendants

/s Anthony P. Delluniversita

Anthony P. DellUniversita (APD 9294)
2 W. Main Street- Suite SE3A
Bay Shore, New York 11706
(631) 251-7570
anthony@apdlaw1.com

TO: Kenneth G. Walsh
Law Office of Kenneth Walsh
100 S. Bedford Road
3rdFloor
Mt. Kisco, NY 10549
(929) 241-7307
kwalsh@kgwalshlegal.com